

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WA. No. 1178 of 2007()

AGAINST THE ORDER IN WPC.8619/2007 Dated 13/04/2007
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APPELLANT: RESPONDENTS 3 & 4.

1. KHADER, S/O. AVANIKATTU JAMALAU.
2. HAMZA, S/O. AVANIKATTU JAMALAU.
(BOTH ARE RESIDING AT THACHANGATT, MARAYAMANGALAM
AMSOM, OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS: PETITIONER/RESPONDENTS 1 & 2.

1. ALAVI, S/O. ALIKUTTY,
RESIDING AT CHAKKINGAL, MARAYAMANGALAM AMSOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
OTTAPALAM, PALAKKAD.
3. NELLAYA GRAMA PANCHAYATH,
REPRESENTED BY ITS SPECIAL GRADE SECRETARY,
NELLAYA P.O., PALAKKAD.

R2 BY GOVT PLEADER SRI K. SANDESH RAJ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 23/05/2007, ALONG WITH WPC NO. 8619 OF 2007
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1178 of 2007
&
W.P.C. No 8619 of 2007

Dated: 23rd May 2007

JUDGMENT

Radhakrishnan, J.

Heard counsel on either side. Considering the facts and circumstances of the case, we find no reason to examine the correctness or otherwise of Ext. P3 order since the same is pending in appeal before the Commissioner of Land Revenue in Ext. P8. In such circumstances, we dispose of the writ appeal as well as the writ petition with a direction to the appellate authority to dispose of Ext. P8 appeal within a period of three weeks from the date of receipt of a copy of this judgment. We make it clear we are not expressing any opinion on the merits of the case.

sd/-
K.S. RADHAKRISHNAN
Judge

sd/-
ANTONY DOMINIC
Judge

23/05/2007
en

[true copy]

W.P.C. No 8619/2007

APPENDIX

Petitioner's exhibits:

Ext.P1 - True copy of complaint filed before the second respondent dated nil.

Ext.P2 - True copy of the complaint submitted dated 8.4.2005

Ext.P3 - True copy of the order passed by the first respondent dated 27.6.2006

Ext.P4 - True copy of the petition filed by the petitioner dated 30.1.2007

Ext.P5 - True copy of the plaint in OS 164/05 dated 6.4.2005

Ext.P6 - True copy of the report of the Village Officer, Nellay on 19.4.2005

Ext. P7 - True copy of the commissioner report dated 28.3.2007 in OS 164/05 on the files of Munsiff Court, Ottappalam

Ext.P8 - True copy of appeal filed before the commissioner Land Revenue, Thiruvananthapuram dated 10.4.2007

Respondent's exhibits:

Ext.R3(a) True copy of the letter recommending the proposal by the Assistant Educational Officer to the Deputy Director of Education, Palakkad dated 31.1.2005

Ext.R3(b) - True copy of the order passed by the Deputy Director of Education dated 23.2.2005

Ext.R3(c) - True copy of the letter addressed by the Assistant Executive Engineer to the Manager of the school dated 31.3.2005

Ext.R3(d) - True copy of the two photographs taken on the spot

Ext.R3(e) True copy of the report issued by the Village Officer, Nellaya dated 5.3.2007

[true copy]